

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARY MENCER,)	CASE NO. 5:08 CV 2561
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	MAGISTRATE JUDGE WHITE
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	REPORT AND RECOMMENDATION

On October 29, 2008, Plaintiff Mary Mencer challenged the final decision of the Commissioner of Social Security denying her claim for a period of disability and disability insurance benefits under Title II and Title XVI of the Social Security Act. This matter comes before the Magistrate Judge by automatic reference of administrative action pursuant to 28 U.S.C. § 636 and Local Rule 72.2.

On November 13, 2009, the Court entered its order setting forth the briefing schedule. (Doc. No. 5.) Defendant's answer and transcript were filed on January 22, 2009. (Doc. Nos. 10, 11.) Plaintiff's brief was due within thirty (30) days of the filing of the answer and transcript, but was not filed.

On March 12, 2009, the Court entered a show cause order directing Plaintiff to

respond by March 25, 2009, as to why the complaint should not be dismissed for want of prosecution. (Doc. No. 12.) On March, 23, 2009, Plaintiff filed a Motion to Dismiss her appeal. (Doc. No. 13.) No objection was filed by Defendant.

Considering all of the above, the Court recommends granting Plaintiff's Motion to Dismiss.

s/Greg White
United States Magistrate Judge

Dated: May 7, 2009

OBJECTIONS

Any objection to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days after the party objecting has been served with a copy of this Report and Recommendation. Failure to file objections within the specified time may waive the right to appeal the District Court's order. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).